

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

<b>RICHARD TAMEZ, BILLY TOM</b>	<b>§</b>
<b>MEDLIN, GAVIN REYNOLDS, and</b>	<b>§</b>
<b>JAMES CLARK, Individually and</b>	<b>§</b>
<b>On Behalf of Others Similarly</b>	<b>§</b>
<b>Situated</b>	<b>§</b>

**PLAINTIFFS,**

**V.**

**BHP Billiton Petroleum (Americas),  
Inc.,**

**DEFENDANT.**

**CIVIL ACTION NO. 5:15-cv-330-RCL**

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

Plaintiffs Richard Tamez, Billy Tom Medlin, Gavin Reynolds, and James Clark (“Named Plaintiffs”), on behalf of themselves and on behalf of all other Opt-in Plaintiffs who have filed their Consents to join this lawsuit (collectively “Plaintiffs”) and Defendant BHP Billiton Petroleum (Americas), Inc. (“Defendant”) file this self-executing Stipulation of Dismissal with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which is signed by all Parties who have appeared in this action. This Joint Stipulation is reached in light of a recent decision by the Fifth Circuit in *Faludi v. U.S. Shale Solutions, L.L.C.*, --- F.3d ----, 2019 WL 3940878 (5th Cir. Aug. 21, 2019), which decided the issue central to this case. This Joint Stipulation is reached in good faith to prevent the accrual of unnecessary additional time and resources on this case by the Court and parties.

Plaintiffs dismiss with prejudice all claims and causes of action asserted against Defendant in this matter with each party to bear their own fees and costs.

Respectfully submitted,

NICHOLS KASTER, PLLP

NORTON ROSE FULBRIGHT US LLP

/s/ Michele Fisher w/p

/s/ Shauna Johnson Clark

Paul J. Lukas, MN Bar No. 22084X  
Michele R. Fisher, MN Bar No. 030369  
Neil D. Pederson, MN Bar No. 0397628\*  
4600 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
Telephone: (612) 256-3200  
lukas@nka.com  
fisher@nka.com  
npederson@nka.com

Shauna Johnson Clark  
State Bar No. 00790977  
Kimberly F. Cheeseman  
State Bar No. 24082809  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
Telephone: (713) 651-5151  
Facsimile: (713) 651-5246  
shauna.clark@nortonrosefulbright.com  
kimberly.cheeseman@nortonrosefulbright.com

*\*Admitted Pro Hac Vice*

*Attorneys for Defendant*

*Attorneys For Named and Opt-in Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served in compliance with the Federal Rules of Civil Procedure upon the following counsel on September 6, 2019:

Paul J. Lukas  
Michele R. Fisher  
Neil D. Pederson  
4600 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
Telephone: (612) 256-3200  
lukas@nka.com  
fisher@nka.com  
npederson@nka.com

/s/ Shauna Johnson Clark